

ANNEX 38

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 26 July 2023 09:46
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Prosecution Request concerning Familiarisation Package for P-2050

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request below.

Noting the explanations provided, that the defence teams defer to the Chamber's discretion and the lack of objections by the rest of participants, the Single Judge authorises the Prosecution to proceed as proposed.

Kind regards,

TC V

From: [REDACTED]
Sent: 25 July 2023 11:06
To: [REDACTED] Suprun, Dmytro [REDACTED]
 Vanderpuye, Kweku <[REDACTED]>
 [REDACTED] Trial Chamber V Communications [REDACTED] >
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: Re: OTP - Familiarisation package for P-2050

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Dear Trial Chamber,
 Dear all,

The Defence for Mr Ngaissona does not oppose the request in principle, defers to the Chamber and will liaise with the Prosecution on an inter partes basis to seek clarifications in relation to the final list of items to be included in the familiarisation package. The Defence reserves its right to raise any issues with the Chamber that may arise at a later stage.

Best regards,

On behalf of the Defence team for Mr Ngaïssona

From: [REDACTED]
Sent: 24 July 2023 12:45
To: Suprun, Dmytro [REDACTED]; Vanderpuye, Kweku [REDACTED];
 [REDACTED] Trial Chamber V
 Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona Defence Team
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: RE: OTP - Familiarisation package for P-2050

[Email sent on behalf of Ms Massidda](#)

Dear Kweku

The CLR2 shares the view expressed by CLR1 on the matter.

Best regards,

From: Suprun, Dmytro [REDACTED]
Sent: 24 July 2023 12:41
To: Vanderpuye, Kweku [REDACTED]; [REDACTED]
 [REDACTED] Trial Chamber V Communications <[REDACTED]>
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaïssona Defence Team
 <[REDACTED]>; V44 LRV Team OPCV <[REDACTED]>; V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: RE: OTP - Familiarisation package for P-2050

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Kweku,

The CLR1 has no issue with the Prosecution suggested approach and has no objection to the Prosecution request.

Kind regards,
 Dmytro

From: Vanderpuye, Kweku [REDACTED]
Sent: 24 July 2023 12:30
To: [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]
Subject: RE: OTP - Familiarisation package for P-2050

[ICC] RESTRICTED

Dear Counsel,

Dear All,

Thank you for your response. For those Parties and Participants who have not yet responded, it would be very much appreciated if you could provide your respective positions at some point today. Given the prospective schedule, this would allow the Chamber to address the matter as soon as practicable. Thank you.

Kind regards,

Kweku Vanderpuye



Kweku Vanderpuye

Senior Trial Lawyer
 Prosecution Division
 International Criminal Court
 Oude Waalsdorperweg 10
 2597 AK The Hague, The Netherlands
www.icc-cpi.int

From: [REDACTED]
Sent: 19 July 2023 17:50
To: [REDACTED] Trial Chamber V Communications [REDACTED]
 [REDACTED]
 [REDACTED] Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]
 [REDACTED]; V45 LRV Team [REDACTED]; Vanderpuye, Kweku [REDACTED]
Subject: RE: OTP - Familiarisation package for P-2050

[ICC] RESTRICTED

Dear Trial Chamber,
 Dear all,

In light of the specificities of the Prosecution's e-mail below, and of the nature of witness P-2050, the Yekatom Defence defers to the Chamber's discretion as regards to the content of P-2050's familiarisation package.

Kind regards,

[REDACTED]

De : [REDACTED]
Envoyé : lundi 17 juillet 2023 16:30
À : Trial Chamber V Communications [REDACTED]
Cc : D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] > V44 LRV Team OPCV [REDACTED]; V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]; Vanderpuye, Kweku
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Objet : OTP - Familiarisation package for P-2050

[ICC] RESTRICTED

Dear Trial Chamber V,
 Dear All,

As you are aware, P-2050 provided the Prosecution with [REDACTED]. [REDACTED]
 [REDACTED]. Of the [REDACTED], the Prosecution assessed that [REDACTED] as not material or potentially exculpatory for various reasons, including their substance, time frame, and subject matter.

We are of course mindful of certain of the Chamber's previous rulings directing that any material referenced by a witness in their Prior Statement be provided for "completeness" (independently of their relevance to the charges or case). However, we do not consider that the witness's reference or provision of [REDACTED] alone renders any given item contained in it an "associated documents" within the meaning of the Court's jurisprudence. As such, they are not liable to being made available, unless the Chamber deems otherwise.

Further to the above, the Prosecution considers that there is no value in having P-2050 familiarise herself with a multitude of items that are of no further relevance to her Prior Statement or to the case. As such, the Prosecution seeks the Chamber's authorisation to include in the Familiarisation Package only those items identified and disclosed as relevant, as set out in the Rule 68(2)(b) application, subject to any other material that the Parties may reasonably intend to discuss with her. To this end, the Prosecution is disposed to engage in inter partes discussions to the extent the Chamber considers it necessary or appropriate. Thank you.

Kind regards,

On behalf of Kweku Vanderpuye,

[REDACTED]

OTP Case Manager

[REDACTED]

Case Manager
Prosecution division
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10, 2597 AK, The Hague

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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